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RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION

Comments of the International Labour Office concerning Commission resolution 1998/26

1. The International Labour Office has continued during the last year its work for the elimination of discrimination in employment and occupation on a number of grounds, including those of race and colour. This is based on the ILO Constitution as well as on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

2. While it will not repeat information submitted previously on its work in this area, all of which is fully consistent with the objectives spelled out in the resolution, the following recent information can be provided.

3. **Ratification and application of Convention No. 111**. This instrument is considered one of the seven fundamental Conventions of the International Labour Organization. As such, it has been among the targets of the ratification campaign instituted by the Director-General in 1995, following the World Summit for Social Development, and a number of new ratifications have been received pursuant to that campaign. Convention No. 111 has now been ratified by 131 countries, and other ratifications are expected shortly.

4. The ILO has also continued its supervisory activities related to this Convention as with all the others for which it is responsible. A number of reports from ratifying countries were examined by the ILO Committee of Experts on the Application of Conventions and Recommendations in 1998, and the comments it has made are contained in its annual report published in March 1999.

5. The International Labour Office continues also to provide technical assistance and advisory services to member States which wish to ratify this Convention or to apply it more fully. It has, for instance, provided advice during the last year, in the form of national seminars, to Brazil, Indonesia, the Republic of Korea and South Africa, and in the coming months will do so in China and other countries. A technical cooperation project to establish an affirmative action policy and implementing mechanism is almost complete in Namibia.

6. **Adoption of the ILO Declaration of Fundamental Rights and Principles at Work and its Follow-up.** In June 1998, the International Labour Conference adopted this declaration, which recognizes an obligation on the part of member States, "arising from the very fact of their membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles containing the fundamental rights which are the subject of" the fundamental Conventions adopted by the ILO - including Convention No. 111. One of the four principles concerned is "the elimination of discrimination in respect of employment and occupation", which covers grounds including race. The Declaration recognizes a corresponding obligation on the part of the ILO to assist members in doing so.

7. The detailed measures for the follow-up to the Declaration are still being discussed, but they include two main components. Annual reports are to be submitted by members to the Governing Body of the ILO on the principles and rights covered by any of the Conventions not yet ratified, and these will be examined annually by the Governing Body. The Director-General will prepare a global report each year on one of the four areas covered by the Declaration, taking each in turn, which will be discussed at the annual International Labour Conference. The discussion of the global report will be followed up by the Governing Body in order to draw conclusions concerning the priorities and plans of action for technical cooperation to be implemented for the following four-year period. Thus, a global report on discrimination - including racial discrimination - will be discussed in the next few years.

8. **Migrant workers**. Special attention is given in the Commission on Human Rights resolution to the situation of migrant workers and of discrimination against them. The ILO has a considerable programme of activities for these workers, and has been taking part in the deliberations in the United Nations on this subject. The ILO Committee of Experts on the Application of Conventions and Recommendations has just concluded a general survey under article 19 of its constitution on migrant workers (published in early March 1999), partly in order to review the ILO Conventions on this subject. The conclusions can be reported to the Commission in more detail once they are published, but they include a recommendation that the ILO Conventions on this subject be revised, in the light of the low number of ratifications of the ILO instruments and of the United Nations Convention on the same subject.

9. **World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance**. As indicated earlier, the ILO looks forward to working with the Office of the High Commissioner for Human Rights to prepare this conference. The objectives proclaimed for it are directly in line with those of the ILO, and the ILO's activities in this area are complementary to those of the United Nations.

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